

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

## ORDER

After due and proper consideration of all portions of this file deemed relevant to the issues raised, and there having been no objections filed, the Recommendation of the Magistrate Judge made under 28 U.S.C. § 636(b)(1)(B) is **ADOPTED** as the opinion of this Court. Accordingly, Defendant's motion to dismiss (Doc. 9) hereby is **DENIED**.

**DONE and ORDERED** this 18th day of September, 2013.

/s/ Callie V. S. Granade  
UNITED STATES DISTRICT JUDGE

<sup>1</sup> Defendant's name was changed to Winn-Dixie Montgomery, LLC pursuant to order issued on May 28, 2013 (Doc. 17).